

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Peter REHBEIN et al.
 Serial No. : 10/524,726
 U.S. Patent No. : 7,589,290
 Filing Date : February 16, 2005
 For : ELECTRIC CONTACT
 Examiner : Kyung S. LEE
 Group Art Unit : 2833
 Confirmation No. : 8412
 Customer No. : **26646**

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office via the Office electronic filing system on **May 21, 2010**.

Signature: Elizabeth Tretter/
 Elizabeth Tretter

Commissioner for Patents
 P.O. Box 1450
 Arlington, VA 22313-1450

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT IN
 RESPONSE TO DECISION ON REQUEST FOR RECALCULATION OF
 PATENT TERM ADJUSTMENT IN VIEW OF WYETH**

SIR:

1. This request for reconsideration of the patent term adjustment is being filed in response to the "Decision on Request for Recalculation of Patent Term Adjustment in View of Wyeth and Notice of Intent to Issue Certificate of Correction" dated April 21, 2010, for which a one month or thirty (30) day response period expires on May 21, 2010.

2. The fee of \$200.00 as set forth in **37 C.F.R. § 1.18(e)** and as required by **37 C.F.R § 1.705(b)(1)**, is being paid by **credit card**. The Commissioner is hereby authorized to charge payment of any additional fees required in connection with this communication or to credit any overpayment, to the deposit account of Kenyon & Kenyon LLP, Deposit Account No. **11-0600**.

3. The patent term adjustment for the patent granted on the above-identified application, as originally stated in the Patent Term Adjustment document was 30 days. According to the Decision on Request for Recalculation of Patent Term Adjustment in view of Wyeth, the patent term adjustment has been determined to be 0 days. It is believed that under **37 C.F.R. § 1.705(b)(2)(i)** the correct patent term adjustment is **29** days, based on the following bases under 37 C.F.R. § 1.702:

- i. Delay under 37 C.F.R. § 1.702(b) for failure to issue a patent within three years of the actual filing date of the application.

4. Under 37 C.F.R. § 1.705(b)(2)(ii), the relevant periods and dates as specified in 37 C.F.R. §§ 1.703(a)–(e) are as follows:

i. A period of delay of 296 days pursuant to 37 C.F.R. § 1.703(b), *i.e.*, 577 days from 2/17/2008 (the day after the date that is three years after the dated on which the above-identified application was filed under 35 U.S.C. § 111(a) or the national stage commenced under 35 U.S.C. § 371(b) or (f)) to the 9/15/2009 grant date of the above-identified application, but not including the sum of the following periods:

a. A period of 281 days from 12/9/2008 to 9/15/2009 pursuant to 37 C.F.R. § 1.703(b)(1).

Pursuant to 37 C.F.R. § 703(f), the total actual examination delay is 296 days, *i.e.*, the sum of the above examination delay periods, since there were no periods of overlap. Thus, after subtracting 267 days of applicant delay (set forth below in part 6) from the 296 days of total actual examination delay in accordance with 37 C.F.R. § 703(f), the patent granted on the above-identified application is entitled to 29 days of total adjustment.

5. Under 37 C.F.R. § 1.705(b)(2)(iii), the patent granted on the above-identified application is **not** subject to a terminal disclaimer.

6. Under 37 C.F.R. § 1.705(b)(2)(iv), the patent granted on the above-identified application is subject to 267 days of Applicant delay pursuant to 37 C.F.R. § 1.704, *i.e.*, the sum of the following periods:

i. A period of 94 days from 3/15/2006 to 6/16/2006 pursuant to 37 C.F.R. § 1.704(b).

ii. A period of 68 days from 12/07/2006 to 2/12/2007 pursuant to 37 C.F.R. § 1.704(b).

iii. A period of 91 days from 9/10/2008 to 12/09/2008 pursuant to 37 C.F.R. § 1.704(b).

iv. A period of 14 days from 3/20/2009 to 4/02/2009 pursuant to 37 C.F.R. § 1.704(c)(8).

In view of the foregoing, reconsideration of the patent term adjustment reflected in the "Decision on Request for Recalculation of Patent Term Adjustment in View of Wyeth and Notice of Intent to Issue Certificate of Correction" dated April 21, 2010 is respectfully requested.

Respectfully submitted,
KENYON & KENYON LLP

Date May 21, 2010

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